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Attorneys for  
Defendants CHE GARIBALDI dba  
TAQUERIA GARIBALDI; EDUARDO  
HERNANDEZ; HECTOR MANUAL MARTINEZ  
GALINDO; and ALEJANDRO RODRIGUEZ

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARTIN J. WALSH, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

v.

CHE GARIBALDI dba TAQUERIA  
GARIBALDI, a California corporation;  
EDUARDO HERNANDEZ, an individual;  
HECTOR MANUAL MARTINEZ GALINDO,  
an individual; and ALEJANDRO  
RODRIGUEZ, an individual,

Defendants.

Case No: 22:cv-00756-WBS-KJN

**DECLARATION OF HECTOR MANUAL  
MARTINEZ GALINDO IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S APPLICATION FOR  
TEMPORARY RESTRAINING ORDER**

**Date: July 7, 2022**

**Time: 10:00 a.m.**

**Location:**

**Courtroom 5, 14<sup>th</sup> Floor  
Robert T. Matsui Courthouse  
501 I Street  
Sacramento, CA 95814**

Complaint Filed: May 4, 2022

Trial Date: None Set

**DECLARATION OF HECTOR MANUAL MARTINEZ GALINDO**

I, Hector Manual Martinez Galindo, declare as follows:

1. I am an individual and a Defendant in the above-entitled action. I make this declaration in support of Defendant's *Opposition to Plaintiff's Application for Temporary Restraining Order*. I have personal knowledge of the facts set forth herein, and if called upon to testify thereto, I could and would competently do so under oath.

2. I am co-owner and Chief Financial Officer ("CFO") of Che Garibaldi (the "Company"). As co-owner and CFO, I oversee the Company's daily operations and am solely responsible for the hiring and termination of Company employees.

3. On or about May 2021, the United States Department of Labor ("DOL") began an investigation into the wage and hour practices of the Company. The DOL then filed an action against the Company in the United States District Court for the Eastern District of California on May 5, 2022, alleging unlawful wage and hour practices and interference with the DOL's investigation.

4. On May 11, 2022, my attorney, Alden Parker, forwarded me a letter he received from Jennifer L. Sta. Ana, on behalf of the DOL. The letter accused the Company and me of making termination and immigration threats and discouraging employees from communicating with the DOL.

5. As co-owner and CFO, I work directly with management and Company employees. At no point during the DOL's investigation did I or anyone else discourage employees from cooperating with the DOL's investigation. Specifically, nobody at the Company, including management, ever threatened to terminate employees for communicating or cooperating with the DOL. Nor did anyone at the Company, including management, make immigration threats to any employee who cooperated with, or communicated with, the DOL.

6. Furthermore, since the DOL began its investigation in May 2021, the Company has not terminated a single employee. Nor has the Company ever called immigration authorities on any of its employees.

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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct, and that this declaration is executed on July 6 at Sacramento, California.

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